

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT

for the

Jean Oscar

Petitioner

v.

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)Warden of the Facility

Respondent

(name of warden or authorized person having custody of petitioner)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Jean E Oscar  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Allenwood USP  
(b) Address: P.O. Box 3000  
White Deer, PA 17887  
(c) Your identification number: # 01796-104
3. Are you currently being held on orders by:  
☒ Federal authorities      ☐ State authorities      ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: United States District Court  
for the Southern District of Florida  
(b) Docket number of criminal case: 1:13-cr-20561-RNS  
(c) Date of sentencing: October 3, 2014  
☒ Being held on an immigration charge  
☒ Other (explain): I don't know

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**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☒ Other (explain): execution of sentence

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: \_\_\_\_\_

(b) Docket number, case number, or opinion number: \_\_\_\_\_

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): \_\_\_\_\_

(d) Date of the decision or action: \_\_\_\_\_

**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Eleventh Circuit Appeal(2) Date of filing: October 9, 2014(3) Docket number, case number, or opinion number: No. 14-14584-DD(4) Result: affirm in part and remand in part(5) Date of result: 12/20/17(6) Issues raised: Allen Charge, Coercion in the jury room, motion to sever, The removal of the juror and motion to mistrial

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(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

**8. Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☒ Yes ☐ No

If "Yes," provide:

(1) Name of court: Eleventh Circuit of Southern District of Florida

(2) Case number: 18-cv-21368-RNS

(3) Date of filing: April 6, 2018

(4) Result: close case

(5) Date of result: July 9, 2018

(6) Issues raised: Not a convicted felon under Florida law, Federal consecutive sentence, Immediate release and In custody in violation of Constitution or law or treaties of the United States

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☒ Yes ☐ No

If "Yes," provide:

(1) Name of court: Eleventh Circuit Appeal

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: I withdrawn the motion

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: 28 U.S.C. § 2255 is inadequate because I am outside Eleventh Circuit Jurisdiction and I am challenging the Execution of Sentence, that why its inadequate and ineffective to challenge my conviction or sentence.

# 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ NoI don't know

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_

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- (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☐ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_  
 (b) Name of the authority, agency, or court: \_\_\_\_\_

- (c) Date of filing: \_\_\_\_\_  
 (d) Docket number, case number, or opinion number: \_\_\_\_\_  
 (e) Result: \_\_\_\_\_  
 (f) Date of result: \_\_\_\_\_  
 (g) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Grounds for Your Challenge in This Petition**

- 13.** State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** Rehaif claim

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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(a) Supporting facts (Be brief. Do not cite cases or law.):

Jean Oscar is wrongfully convicted because he suffer the same potential impact in Rehaif claim were Government never mention any element in his jury trail even trial judge knew about this matter especially my lawyer was part of that Conspiracy in violation DF 18 USC § 1961 because to enrich their self by using separate power to controle my state of mind against my "Will", intently suffer by rewriting laws...

(b) Did you present Ground One in all appeals that were available to you?

continue Attachment ①

☐ Yes☒ No**GROUND TWO:** Actual Innocence claim

(a) Supporting facts (Be brief. Do not cite cases or law.):

Jean Oscar establish actual innocence to overcome statue of limitation due to Supreme Court withheld favorable, material evidence in violation Rehaif claim satisfy "Schlup" actual innocence standard because of the absent proof of guilt in his indictment or information, and jury instruction was never mention in trial beyond a reasonable doubt what make Jean Oscar wrongfully convicted no matter of the outcome of his case.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes☒ No**GROUND THREE:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes☐ No

blinding me by entrapping my mind, to influence me and to omission everything I do, think and said - this is injustice, corrupted Government, Judges and defend attorney using three distinct phases or levels: Apprenticeship, Creative-Active and Mastery - this how they slave my mind. We can call this power "Intuition". Because of the absent element in § 922(g)(1) were 18 USC § 924(a)(2), adds that anyone who "knowingly" violates the first provision shall be fined or imprisoned for up to 10 years, was omit in § 922(g)(1) on count 18 and 19: Possession of firearm by convicted Felon in violation of 18 USC § 922(g)(1).



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**GROUND FOUR:**

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: I ~~the~~ want the <sup>court</sup> to vacate my sentence  
and conviction and order immediate release

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: \_\_\_\_\_

*Oscar Jean*

\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
  
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
  
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
  
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
  
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
  
6. **Submitting Documents to the Court.** Mail your petition and \_\_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.
 

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
  
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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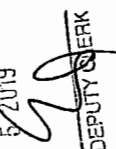
US District Court  
Middle District of PA  
235 N Washington Ave  
Scranton, PA 18501

OCT 10 2019

Oscar Jean #01796-104  
FCC ALLENWOOD USP  
PO. BOX 3000  
WHITE DEER, PA 17887

RECEIVED  
SCRANTON

OCT 15 2019

PER  DEPUTY CLERK

Mailed From US Penitentiary

Legal Mail

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